

T H E
Nature *and* Necessity
O F 7
RESTITUTION.
O N
L U K. XIX. 8.

By the Right Reverend Father in G O D
WILLIAM BEVERIDGE, D. D. late Lord
Bishop of St. Asaph.

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THE
NATURAL HISTORY

TESTIMONY

BOOK XIX

By the Hon. the Secretary of the Board of Agriculture
and Fisheries, in answer to a Resolution of the House of Commons,
passed on the 11th of May 1871.



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R E S T I T U T I O N .

L U K. XIX. 8.

And Zaccheus stood, and said unto the Lord, Behold, Lord, the Half of my Goods I give to the Poor: and if I have taken any Thing from any Man by false Accusation, I restore him Four-fold.

Repentance being so absolutely necessary to Salvation, that no Man can be saved without it, it hath pleased God in his Holy Word, not only to call upon us, and command us to repent, but he hath given us likewise several Examples of it, that so understanding how the Saints of Old set upon this Great Work, we may the better know how to do it too. But one of the most remarkable Instances that we have of this Kind, either in the Old or New Testament, is that of *Zaccheus*, who having lived many Years in a Great and Notorious Sin, and coming afterwards, upon the Sight of

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Christ,

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Christ, to a Sight and Sense of his Sin too, he immediately became so true a Penitent, so sincere a Convert, that his Example is left upon Record for all Generations to know and imitate.

To understand the Story aright it will be necessary to consider the several Circumstances of it. For which, we must know, that in the several Countries and Places belonging to the *Roman* Emperour, he had a certain Toll, Tribute, or Custom paid him, which was let out at a certain Rate to some that lived thereabouts, which were therefore called *τελωναι*, the Farmers or Purchasers of the Customs, as the Word signifies. *Omnes quicquid a seisco conducunt, recte appellantur publicani.* *Ulfian.*

These employed others under them to collect the Customs, who were therefore called by the *Romans* *Portitores*, because they went to the Ports, and other Places, to gather and receive them, and then to bring them to the Farmers which used to sit at a Place appointed for the Receipt of them, therefore called *τελωνιον*, *The Receipt of Custom*, where our Lord found *St. Matthew* sitting when He called him to Him, *Matt. 9. 9.* Now they who thus Farmed the Customs, or any Publick Revenues, were therefore called *Publicani* by the *Romans*, as we learn from *Ulfian*, the Old Roman Lawyer, and the Famous *Civilian*. *Publicani dicuntur, qui publica vestigalia habent conduca, L. 12, &c. de publicanis.* They, saith he, are called Publicans who have the Publick Revenues farmed out to them. Which I therefore mention that ye may know who or what these Publicans were which you read of so often in the *New Testament*; for they were not, as they are commonly thought to be, such as gathered the Customs themselves, but such as hired them at a certain Rate, which they paid yearly into the Exchequer, or by Order from thence. And usually many joined together in taking all the Publick

Publick Revenues in such a Place, and are therefore in the Civil Law called *Socii vertigalium*, the Partners or Companions of the Customs, which they managed either jointly or separately, as they could agree among themselves. And that is the Reason that you often meet with many of them together, as *Matt. 9. 10. Luk. 3. 12. ch. 15. 1.* because they that managed the Business jointly, or in common, were usually together.

Sometimes one Man might take all the Customs that should grow due in such a Place, especially if the Place was but small, and he could give such Security as the Publick liked of; and he would either take Care of the whole himself, or else Lett either all, or some part, to others under him, and therefore was called *Αρχιτελωνης*, chief among the Publicans; such a One there was at *Jericho*, called *Zaccheus*, and he was *Rich*, as it is here said, *v. 2.* And he must needs be Rich who could Farm so considerable a Part of the Publick Revenues, and give such Security as would be required of him in that Case.

Now this Rich Publican having heard much of the Fame of *Jesus*, and understanding that He was to pass through *Jericho*, in his Way to *Jerusalem*, he had a great Mind to see him; but being a Man of a low Stature he could not possibly set his Eyes upon him, by reason of the Crowd that was about him; and therefore he ran before, and got up into a *Sycamore-Tree* that was in the Way. When *Jesus* was come to the Place, He looked up and saw him, and said him, *Zaccheus, make haste and come down, for to Day I must abide at thy House, v. 5.* The Man could not but be very much surprized to hear one whom he had never seen before calling Him by his Name, and inviting himself to his House, as if he had been an Old Acquaintance, especially seeing He did not only desire, but bid him come down, and that quickly; from
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whence he could not but think there was something more than ordinary in it, and so certainly there was: For tho' he had never seen *Jesus*, *Jesus* had seen him before he was got into the *Sycamore*, as he had seen *Nathaniel* when he was under the *Fig-Tree*, *Joh. 1. 48.* even by his All-seeing Eye, from which nothing could be hid, and by which he knew his very Heart too, how desirous he was to see him in the Way, and what he would do at Home, better than he himself knew it: For it is more than probable that he had no Thoughts as yet of saying or doing what he afterwards did.

Christ had no sooner spoken to *Zaccheus* to make haste and come down but he presently obeyed: For he made haste and came down, and received him joyfully, v. 6. Where we may observe by the way how punctually he observed *Christ's* Command, and hearkened to his Call: *Christ* bid him come down, and he came down; *Christ* bid him make haste, and he did make haste to do it; *Christ* told him that he must go to his House, and he did not only receive him, but did it joyfully; and all this in a Matter which might seem very indifferent. Howsoever *Zaccheus* made no scruple of that; he had *Christ's* Command, and that was enough for him, for he presently and cheerfully obeyed it; and so hath set all Christians an Example what to do in the like Case; what *Christ* commands us to do we must not dispute about it, but do it in Obedience to his Command, and we shall soon find the happy Effect of it, as *Zaccheus* did.

But behold the Malice and Wickedness of Men, even of those also who had the Happiness to converse with *Christ* himself; for *Zaccheus* had no sooner received this Divine Guest into his House, but they who came along with him, instead of commending *Christ* for condescending so far as to go into *Zaccheus's* House, and

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and *Zaccheus* for his kind Entertainment of *Christ*, they presently fall a Railing at both; at *Zaccheus* for having been a great Sinner, and at *Christ* himself for accepting of an Entertainment from him: For it is said, *When they saw it they all murmured, saying, that he was gone to be a Guest with a Man that is a Sinner,* v. 7. For the *Jews* looked upon all Publicans as great Sinners, not only because they usually exacted more than their due, but because they were Publicans to the Heathen Emperours, and Farmed their Revenues; which they, esteeming themselves the only People of God, were mightily offended at, insomuch that they would never come near them, nor have any Conversation with them; and if any one offered to sit down and eat with them they were presently scandalized at it, and therefore murmured against *Christ* himself, and his Disciples, for doing it, not only at this, but at any other Time, as *Luk.* 5. 30.

But see here the Wisdom and Power of God in bringing Good out of Evil. *Zaccheus* hearing himself called a Sinner, and *Christ* upbraided for only coming into his House, was presently pricked in the Heart, and called his Sins to remembrance, and was struck with so quick a Sense of them, with so great a Sorrow for them, and with so strong an Aversion to them, and Resolution against them for the future, that he was not able to bear it any longer, nor so much as to keep it in, but up he gets, and in the midst of them all addresseth himself to our Lord in this humble and penitent manner, saying, *Behold, Lord, the Half of my Goods I give to the Poor; and if I have taken any Thing from any Man by false Accusation I restore him Four-fold.* As if he had said, I perceive, Lord, that the People who attend thee are very much offended at thy coming into my House, who am a Sinner. I confess I am so, a very great Sinner: But I beseech thee not to disdain to stay a little with me, and to be
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my Guest upon that account; for whatsoever Sins I have hitherto committed I now heartily repent of them, and resolve and promise before thee and them that I will never commit them any more. And to testify my Sincerity herein, behold, Lord, I will now relieve the Poor as much as ever I oppressed them; for I will give them half my Goods, and whatsoever I have wronged any Man of I will not only restore it to him again, but I will give him Four Times the Value of it.

Our Lord having heard this ingenuous Confession and holy Vow made by the Publican, presently cries out, *This Day is Salvation come to this House, forasmuch as he also is the Son of Abraham*, ver. 9. As if he had said, I see that this Man is now truly Penitent for his Sins, and so is this Day come into a State of Salvation; that Salvation which I am come to procure for Mankind, it is this Day come home to him, and by his Means to his whole House, forasmuch as he also is of the Seed of *Abraham*, to whom the Promises of my Gospel do peculiarly belong. And although he hath hitherto been a Sinner, yet that shall not hinder his obtaining Salvation by me; for I *the Son of Man am come to seek and to save that which was lost*, v. 10. that is, I am come into the World on purpose to seek such Sinners as he hath been, and to save them from their Sins; for, *I came not to call the Righteous, but Sinners to Repentance*, Matt. 9. 12. He hath been a Sinner, I have called him to Repentance; he hath accordingly repented, and therefore he shall be saved.

How did *Zaccheus* rejoice to hear these gracious Words from *Christ's* own Mouth? How happy should we think ourselves, or rather, how happy should we be if the Saviour of the World should say the same of us, and of every one of our Houses, that this Day is Salvation come home to us? And yet it is no more than what we may be all as certain of as *Zaccheus*.

Zaccheus was, if we do as he did. He had been a great Sinner, and so have we, but he repented truly of all his Sins, and if we do so too we shall be saved as he was; and if we do it this Day, this Day will Salvation come to us, as it did to him the same Day that he repented.

Well then, that we may be thus happy this Day, let us seriously consider how *Zaccheus* testified his Repentance, so as to find Grace and Favour in the Sight of *Christ*, that we may go and do likewise. That from this Day forward we may be reckoned among true Penitents, such as he was, that we may obtain the same Salvation as he did.

Zaccheus therefore being come to himself as soon as *Christ* was come into his House, and being touched with a sincere Repentance for all the Errors of his Life past, expressed it the same Way as *Daniel* advised *Nebuchadnezzar* to do it, when he said, *Wherefore, O King, let my Council be acceptable unto thee, and break off thy Sins by Righteousness, and thine Iniquities by shewing Mercy to the Poor*, Dan. 4. 27. Thus did *Zaccheus*, he brake off his Sins by Righteousness, in making just and full Restitution of what he had wronged others of; and he brake off his Iniquities by shewing Mercy to the Poor, in that he gave them Half of all his Goods.

He begins with his Charity and Mercy to the Poor first, as the Way whereby to find Mercy at the Hands of God in the Pardon of his Sins; and therefore we read that *Alms maketh an Atonement for Sins*, Ecclesiasticus 3. 30. that is, they put a Man into the Way of having the Propitiation or Atonement which *Christ* hath made for the Sins of Mankind applied particularly to him. As we see in the Famous Instance of *Cornelius* the Centurion, whose *Alms*, together with his Prayers, being gone up for a Memorial before God, God sent an Angel from Heaven on purpose

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pose to direct him how to come to the Knowledge of Christ, and so to Pardon and Salvation by him, *Act. 10.*

But as *Zaccheus's* Sins had been great, his Alms must be so too; and therefore not contenting himself with giving a little, but to make his future Charity bear some proportion to his former Sins, he resolves to make the Poor equal Sharers with him in his whole Estate, *Half of my Goods*, says he, *I give to the Poor*; Half of my Goods, that is, of such as shall remain to me after I have made complete Restitution of what I have taken wrongfully from others, for he could reckon up no more as his own; but whatsoever he could truly call his own, that he would divide into Two equal Parts, and keep one for himself and his own necessary Occasions, and give the other to the Poor for the Relief of their Necessities.

But then, you'll say, are we bound to do so too! To give Half of our Estates to Poor People, as he did? No surely, it is not necessary for all to follow his Steps in this Particular, but only for such as are in the same Circumstances with him. Some may be bound to give more, others may not be bound to give so much as he did. Our Lord enjoined the Young Rich Man in the Gospel *to sell* not only *Half*, but *All that he had*, and give to the Poor, *Matt. 19. 21.* And commended the Poor Widow for *casting into the Treasury all that she had, even all her Living*, *Mark 12. 44.* But others, on the contrary, may be so far from being bound to give either all or half, that they may be bound not to give a fifth Part, because their Circumstances may be such that they cannot do it without transgressing such Commands of God, whereby they are pre-obliged to provide Necessaries for themselves and Families. Indeed as to the *quota*, how much every one ought to Pious and Charitable Uses, it is nowhere determined in Scripture; for God would have it to be a Free-will Offering; and therefore, altho' he

he hath commanded us in general to offer, he hath left it to our own Free-wills how much to offer, that so there may be something in it of our own Choice, as well as of his Command. Only knowing the Corruption of our Wills, and how prone we are to abuse that Freedom that he hath given us in this Particular, he hath set us some General Rules whereby to regulate ourselves in it; and these we are all bound to observe as exactly as *Zaccheus* himself did, who hath set us such an Example in it, that could we follow it as we ought our Charity would be as acceptable to *Christ* as his was.

For first, *Zaccheus* being sensible of his former Sins, not only in griping, but likewise in not relieving the Poor as he ought to have done, he now resolves to be free and liberal to them for the future; not only to give them a little something now and then, but to give so much as to demonstrate himself to be now as liberal as he was before covetous; as the Prophet saith, *The Liberal Man deviseth Liberal Things*, *Isai.* 32. 8. So *Zaccheus* did, he devise dhow to distribute his Charity so as that he might become a truly liberal Man; and for that Purpose did not trouble himself about the *minimum quod sic*, just how much he was bound to give, but resolved to give much, so much that he might be sure to give rather more than the Law strictly required of him than less. The same we read of *Cornelius* too, that *he gave much Alms to the People*, *Act.* 10. 2. And the same Measures certainly we ought to take in the Distribution of our Alms; for as *St. Paul* saith, *He that soweth sparingly shall reap also sparingly: And he that soweth bountifully shall reap also bountifully*, *2 Cor.* 9. 6. Which is the same in Effect with that of the Wise Man, *The Liberal Soul shall be made Fat, and he that watereth shall be watered also himself*, *Prov.* 11. 25. From whence we may observe, that the more we give to the Poor, the more we shall

receive from God : The more bountiful we are to them, the more bountiful he will be to us; which plainly shews, that although he hath nowhere appointed us how much to give, yet he is pleased with them that give much, more than with those who give but little : And by Consequence, that as we expect and desire much Mercy from him, we must express as much Charity to others as we can.

As much, I say, as we can; for herein also *Zaccheus* hath set us an Example, who did not only resolve to give liberally in general, but to give as liberally as his Estate would bear; and for that Purpose considering with himself how much he had that he might properly call his own, and that one half of it would be sufficient for himself and his Family, he resolved to give the other half to the Poor. And tho' all are not bound to give the same Proportion as he did, yet all should give in some Proportion to what they have, be it more or less. This Rule the Apostle himself prescribed to the *Corinthians* by the Inspiration of the Holy Ghost, who hath also kept it upon Record, that all Christians might observe it : *Upon the First Day of the Week*, saith he, *let every one lay by him in Store* (for the Poor Saints) *as God hath prospered him*, 1 Cor. 16. 2. Which doth not only shew that all Christians, even in the Apostles Time, made their Offerings as we now do, by the Order of our Church, every *Lord's-Day*, but likewise, that every one was bound to give according to his Ability, or as the Apostle words it, *as God hath prospered him*. The same in Effect was commanded long before by *Moses*, saying, *And thou shalt keep the Feast of Weeks unto the Lord thy God, with a Tribute of a Free-will Offering, which thou shalt give according as the Lord thy God hath blessed thee*, Deut. 16. 10. And a greater than either *St. Paul* or *Moses*, even *Christ* himself, requires as much, where he saith, *But rather, give Alms as ye are able; and behold*

behold all Things are clean to you, as it is rightly translated in the Margin of your Bibles, *Luk. 11. 41.* for so the Greek Words *πάντα ἐόντα ὁλοτε ἱλαίμοσυν*, properly signifie, as might easily be shewn; so that our Lord himself here affirms, that if we give as much Alms as we are able all Things are clean to us, otherwise not: And therefore, in order to our having all Things to be clean to us, he requires us to give as much as we can to Pious and Charitable Uses; and if we do that, how much or how little soever it be, it will still be acceptable to God, according to that remarkable Passage in the Book of *Tobit*, inserted among the Sentences we read at the Offertory, *Be merciful after thy Power, if thou hast much, give plenteously: If thou hast little, do thy Diligence gladly to give of that little; for so gatherest thou thyself a good Reward in the Day of Necessity*, *Tob. 4. 8, 9.* And therefore, as I hope ye all make Conscience of giving something to the Poor out of that which God hath given to you for that Purpose, so I desire that you would always observe this Rule in the doing of it, even to proportion your Charity to your Estates, lest otherwise God justly proportion your Estates to your Charity; and if ye do not give as much as ye are able, make you able to give more no than ye do.

Moreover, although *Zaccheus* gave so great a Proportion of his Estate to the Poor, he did it freely, and of his own accord; Nobody, as we read of, bad him, or so much as advised him to it. It was purely his own Choice, as appears both from his Promptness and Readiness to do it, and likewise from that Cheerfulness and Alacrity he express'd in doing it; so soon as ever he duly considered it was his Duty, his Mind was wholly bent upon it, and therefore without being spoke to he stands up, and freely offers Half of his Estate to God for the Use of the Poor; and in this also we ought to follow him. Whatsoever we give, we must

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must give it with our Hearts as well as with our Hands, otherwise howsoever acceptable it may be to the Poor, it will not be so to God, who, as he hath commanded us to give, so he hath commanded likewise to do it heartily. *Thou shalt surely give, saith he, unto thy Poor Brother, and thine Heart shall not be grieved when thou givest unto him, Deut. 15. 10.* You must not be grieved that God requires this of you, but be as glad to give, as the Poor are to receive. *He that giveth, saith the Apostle, let him do it with Simplicity; he that sheweth Mercy, with Cheerfulness, Rom. 12. 8.* And elsewhere, *Every Man, according as he purposeth in his Heart, so let him give; not grudgingly, or of necessity, for God loveth a cheerful Giver, 2 Cor. 9. 7.*

But how came this Publican all of a sudden to be thus willing to part with Half his Estate? Doubtless that which inclined him chiefly to it was the great Respect and Reverence he had for *Christ* then present, and his hearty Desire to please him, as appears from his standing up and applying himself to *Christ*, saying, *Behold, Lord, the Half of my Goods I give to the Poor.* Where, as he plainly acknowledgeth *Christ* to be his Lord, so he desires him to take notice of what he was about to say and do, which clearly shews that he had a regard to *Christ* in what he did; and so must we too in whatsoever we give unto the Poor; though we give it to them we must not give it for theirs, but for *Christ's* Sake, with respect to his Command, and for the setting forth of his Honour, as he is our great Lord and Master: And whatsoever we thus sincerely do upon his Account he will be sure to accept of it, and to reward us accordingly for it, for we have his own Word for it, *Mar. 9. 41. Matt. 10. 42.*

There is still another Thing behind much to be observed in *Zaccheus's* Charity, and that is, that he did it presently, at the same Time that he was convinced

vinced it was his Duty, *Behold, Lord, saith he, the Half of my Goods I give to the Poor*; he speaks in the Present, not in the Future Tense; not *I will give* it hereafter, but *I do give* it now; now that I am in thy Presence, and in the Presence of all these People, who are as so many Witnesses of this my Deed of Gift, I give and dedicate to the Use of the Poor Half of my Whole Estate; so that from this Day forward I will not look upon it as mine own, but as theirs for thy Sake.

And herein certainly all are obliged to follow his Example: Whatsoever God hath enabled you to give to Pious and Charitable Uses, you must not put off the giving it from Day to Day, much less to your last Day, as the Custom of some is, who will give nothing to others so long as they can keep it themselves, but hope to make amends for their Neglect of this Great Duty all their Lives by doing it when they Die; when they Die they know they must part with their Estates whether they will or no; and therefore in their last Will and Testament, which is not in Force till they are Dead, they can make a shift to bequeath something to the Poor; but altho' the Poor may be the better for what they then give, they themselves will be never the better for it, it being no Charity at all, forasmuch as they do not then give it from themselves, but from their Heirs and Executors. Neither are the Poor beholden to them, but to their Mortality, for it; for at this rate if they should never Die they would never Give. This is not to do as *Zaccheus* did, who was so far from deferring his Charity to the last, that it was the first Thing he did after his Conversion; and I heartily wish that we could all follow him in this, as well as in the other Particulars, even resolve this Day to give as much as we can to the Poor for God's Sake, that so *Christ* may say of us, as he did of him, *This Day is Salvation come into this*

this Parish, and to all that are here before me at this Time.

Zaccheus having thus given Half his Goods to the Poor, he presently considered what Goods he had which he could properly call his own, and therefore had Power to do what he pleased with them; for he was Conscious to himself that he had many Goods in his Possession which he had no Right or Title to, but was bound to restore them to their right Owners, which he therefore resolves immediately to do; for till that was done he could not tell how to perform his former Promise of giving Half his Goods to the Poor, for fear of giving other Mens as well as his own, which would have spoiled his Charity to all Intents and Purposes; and therefore he had no sooner said, *Behold, Lord, Half of my Goods I give to the Poor*, but he adds with the same Breath, *and whatsoever I have wronged any Man, or taken from any Man by false Accusation, I restore him Four-fold*. In which Words there are Two Things to be consider'd, what it was he would restore, and how he would restore it, even *Four-fold*.

As for the *First*, he resolves to restore whatsoever he had unjustly or wrongfully gotten from any Man, whether by false Accusation, or any other unlawful Way, for so the Word *εὐνοφχλῆσα* here used signifies, as I could easily shew. But for our better understanding of it, we must call to mind what I observed before, that the Publicans were the Farmers of the Publick Revenues, for which they paid a considerable Sum of Money, or else gave Security for it, and therefore were allowed to make what they could of them, and were entrusted with full Power and Authority to demand and receive them as they became due; but as it was necessary they should have such Power granted them, it was almost impossible to prevent their abusing it, by exacting more than what was really their due, which they so commonly did, that the Magi-

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strates were forced to make very severe Laws to restrain them, some of which are still extant in the *Digests* or *Body* of the Old Roman Laws. One of which begins thus, *Quante audaire Et quante temeritatis sint Publicanorum factiones, nemo est quinesciat*: Of how great Boldness, of how great Rashness, the Factions or Combinations of the Publicans are nobody can be ignorant, L. 12. D. de Publicanis. Livy in his 25th Book gives a strange Instance of the horrible Vices they were guilty of; for which, as *Suidas* truly saith, Διεβέβλητο ὡς τοῖς παλαμοῖς καὶ τὸ τῶν τελώνων ὄνομα, The very Name of a Publican was odious to the Ancients. Where he also reckons up some of the horrid Sins that were common among them: As the open Force and Violence they used in their Exactions; their incorrigible Rapine, their shameless Covetousness, their unreasonable Contentiousness, and their impudent Dealing with People to gain something from them, *Suid.* in τελώνης.

Indeed Fraud, Coufenance, Lying, Perjury, Oppression and Extortion, were the common Sins of all Publicans in those Days; and therefore it is no Wonder that Publicans and Sinners are so often joined together in the New Testament, as if they were *Synonymous* Terms, as *Mat.* 11. 19. *ch.* 9. 11. *Mark* 2. 15. *Luk.* 5. 30. And Publicans are always placed first, as being not only Sinners, but the greatest of all Sinners. And it is very observable, that when the Publicans came to *John* the Baptist, and asked him what they should do, he said unto them, *Exact no more than that which is appointed you*, *Luk.* 3. 13. Implying that Extortion was the common Sin they were all guilty of; and that to exact no more than their Due was so extraordinary a Vertue in a Publican, that he could require no more of them in order to their being Baptized by him.

From hence therefore we may gather what it was which *Zaccheus* here promiseth to restore; for he being a *Publican*, and one of the Chief of them, had doubtless been guilty of the same Sins which were so rife among the Men of his Order, as *Cicero*, or rather of his Faction, as the Civil Law calls it; he had cou-sened and cheated many a poor Man; he had extorted and exacted more than was appointed him; he had wronged others to enrich himself; he had by open Violence, and secret Fraud and Cunning, got other Mens Money and Goods into his Hand, which he now resolves to restore, and not only so, but to do it Four-fold.

But why Four-fold? Why any more than what he had unjustly gotten? And why so much more as Four-fold? To understand this we must consider, that by the Mosaick Law, which he professed, *If a Man stole an Ox or a Sheep, and killed it, or sold it, he was bound to restore Five Oxen for an Ox, and Four Sheep for a Sheep*, *Exod. 22. 1.* According to which Law, when *Nathan* the Prophet in his Parable told *David*, that a Rich Man had taken away a Poor Man's Lamb, *David* said, that *he should restore the Lamb Four-fold*, *2 Sam. 12. 6.* From whence it appears, that in some Cases of Theft a Four-fold Restitution was required by the Law of God; and so it was too by the Law of the Roman Empire under which *Zaccheus* lived, and of which he held his Place, for so we read in the *Panderts*, or Body of the Old Roman Laws still extant, that Goods either taken away by force, or manifestly stolen, were to be restored in *quadruplin*, that is, Four-fold. *L. 1. D. de Publicanis.* But this Law was made more mild and gentle as to *Publicans*: For of them it is enacted, *Quod illicite, publice privatimque exactum est, cum altero tanto passis injuriam exolvitur. Per vim rem extortum, cum penā tripli restituitur*, *L. 9. §. in eod.* What is unlawfully exacted by

by a Publican, either publicly or privately, is paid back with as much more to those who have suffered the Wrong, but what is extorted by Force is restored Three-fold.

But there was this great Priviledge also granted to a Publican, that if he restored what he had forcibly taken away without going to Law about it, *omni onere exuitur*, he was freed from any further Punishment or Trouble about it, *L. 1. §. in eod.* So that *Zaccheus* being a Publican, if he had voluntarily restored what he had unjustly taken away, or the bare Value of it, the Law could have taken no hold of him; and if he had stood it out to the last he could have been forced to have restored no more than the Double of what he had unlawfully exacted, or the Treble of what he had violently extorted from any Man.

But *Zaccheus* being now truly Penitent for his Sins, would not make use of the Favour which the Law shewed to Publicans; but considering that the Law both of God and Man required Four-fold Restitution in the Case of manifest Theft, and being fully perswaded in his Conscience that all the Exaction and Extortion that he had used was plainly Theft or Robbery, howsoever the Law might call it, he presently resolves to restore whatsoever he had any way wronged any Man of Four-fold; that so he might be sure to do not only what the Law, but what his own Conscience, required of him; which being once touched with a Sense of his Sin, would never have been satisfied with his making only simple Restitution of what he had unlawfully gotten; for by that Means he would have suffered nothing for his Sin, neither would he have made full Restitution of all that he had unjustly gotten, for he had doubtless wrongfully taken Money from some People many Years before; all which Time he had enjoyed, and they had lost the Use of the said Money, which in an ordinary Way of

C 2

Trading

Trading might probably have amounted to Four Times as much as the Principal ; and therefore he would not content with restoring any less, for fear he should restore too little ; he was now resolved to do all he could to express his hearty Sorrow and Repentance for what he had done ; and for that Purpose having given half his own Goods to the Poor, so whatsoever he had wronged other Men of he restores it to them Four-fold.

And herein *Zaccheus* hath set you a great Example ; not that all are bound to restore Four fold, any more than to give half their Goods to the Poor, as he did ; for his Case was extraordinary in this also, and therefore is not to be brought into ordinary Example ; I say ordinary, for some Men may be in such Circumstances that they may be as much obliged, as he was, to make the same Restitution as he did : But we speak now only of Ordinary or Common Restitution, or at least of that which ought to be as Common and Ordinary, as Deceit or Fraud ; and in this certainly all Men that ever wronged others ought to follow this Publican's Example, in restoring it fully to them.

But this being a Matter wherein many Persons are deeply concerned, we shall briefly consider who are bound to make Restitution, and how and why they ought to do it.

As for the First, it is easie to determine who are bound to make Restitution, even all Persons that ever wronged any Man of any Thing whatsoever, they are all bound to restore it again, by what Way and Means soever it was that they wronged him. All that by forging of Deeds, or suborning of Witnesses, have got Possession of other Mens Estates. All that by Robbing upon the High-way, breaking open of Houses, picking of Pockets, or by any other kind of Theft, have stolen any Thing from their Neighbours. All Apprentices and Servants that have neglected their Masters

sters Business, embezzelled his Goods, purloined his Money, and converted any part of his Estate to their own use. All that by false Weights, false Measures, or false Sights, have imposed upon their Customers, so as to give them either less, or not so good, as they agreed for. All that industriously dissemble or conceal the Faults or Defects of the Wares they sell, and so make the Buyer pay more than what it is really worth according to the Market Price. All that by their Diabolical Cunning and Subtilty Cheat or Over-reach those they deal with, either in Buying or Selling, or any Sort of Contract or Bargain. All that by Lying or Swearing, or any such wicked Artifice, defraud their Creditors, or any other Persons, of what is their just Due. All that by smuckling their Goods, forswearing themselves, or bribing of Servants, withhold from the King any part of his Customs, or other Revenues, which the Laws of God, and of the Land, have given him a just Right and Title to. All that by slandering, or false accusing of their Neighbours, have taken from them what they had, or hindered them from getting what they lawfully might. In short, All that have been either Principals or Accessories in wronging any Man of any Thing, howsoever it was done, they are bound to make him full Restitution.

I say full Restitution, which is the next Thing to be consider'd; for all that are bound to make any Restitution are bound to make it as full as they can, so as to restore, if it be possible, the very Thing itself in Specie; and if that cannot be, the full Value of it in Money, or other Commodities, together with a reasonable Consideration for what he that took it hath gotten by having it, and he from whom it was taken hath lost for want of it; for otherwise the Party wronged will not have full Recompence made him for the Wrong that was done him; and he that did the Wrong will still have

have something in his Hand which is not his own, as not being gotten by his own Goods, but by his from whom he took them. Hence it is that by the *Mosaic Law* something more was always to be restored than was taken away either by Stealth or Fraud. The least that was required was a Fifth Part over and above the Principal, *Lev. 6. 5.* And by Parity of Reason I suppose the least that any one among us ought to restore, besides the Principal, is the Legal Interest of it for so long Time as he hath had it; as if a Man wronged his Neighbour of an Hundred Pounds Two Years ago, the least he ought to restore is an Hundred and Twelve, and so proportionably for other Sums; but here it will be necessary to resolve a few Cases of Conscience which often occur.

Q. 1. Suppose the Person whom you have wronged be dead, to whom must ye make Restitution?

Ans. To his Heirs, Executors, Administrators, or to that Person to whom the Law would have given it, in Case you had not taken it away; but in Case that there be no such Person to be found, as sometimes there is not, then you must restore it to God, as the Supreme Proprietor of all Things, and the only Owner that you can find of it; besure it is none of yours; you can claim no Right to it, neither can any one else as you can find upon Earth; so that it is as a West or Stray, that belongs only to the Head Landlord of the World, to whom therefore you must restore it, by laying it out upon Pious or Charitable Uses, as he himself also commanded in the Old Law, *Num. 5. 8.*

Q. 2. Suppose a Man be not able to make full Restitution to all whom he hath wronged, what must he do?

Ans. His Case is very Sad and Deplorable; for if his Eyes be once opened so as to see his Sin and Folly, he will not be able to endure himself, for having wronged others, and disabled himself from righting them

them again; however I would not have such a Man Despair, but Repent, and manifest his Repentance as well as he can; for which Purpose, if he cannot restore as much as he ought, he ought to restore as much as he can, and labour Day and Night to get, if possible, out of that miserable Condition; and if after all he cannot by any lawful Means get enough to satisfy those whom he hath wronged, he ought to go to them, and confess his Sin, and desire them to remit the Wrong that he hath done them; in which Case are bound in Conscience to do it, as they themselves expect and desire that Almighty God should pardon the Sins that they have committed against him; and if he who suffered the Wrong hath once forgiven it, he that did it hath no more to do but to make his Peace with God too, and then his Conscience may be quiet.

Q. 3. What must they do who are conscious to themselves that they have wronged many, but know not who they were?

Ans. This is the Case of many Tradesmen, who by false Weights, or Measures, or other unjust Dealing, defraud and cheat Persons that come accidentally into their Shops or Warehouses, whom they never saw before nor since, and perhaps could not know them again if they should see them; so that it is impossible for them ever to make Restitution to the Persons themselves, or to the Families they have wronged, but they must of Necessity live and die in Debt to them; and it is very difficult, if not impossible, for them ever to extricate themselves out of that miserable Condition, which their own Covetousness hath brought them into; which should make all Men very cautious how they deal in the World, lest for the sake of a little Money they contract that Guilt which can never be wiped off. The best Advice that I can give such, is, first to leave off such wicked Courses, and then to compute

compute as well as they can what they have gotten by such unjust Dealings, and to make full Restitution of whatsoever they have wronged those of whom they know, and to pay the Overplus all to the Poor; I say pay, not give it; for it is not an Act of Charity, but Justice; they owe it to Somebody, tho' they do not know to whom; if they did they ought to pay it to them; but seeing they do not know the Persons to whom they ought to pay it, they pay it to the Poor in their steads; but so that if they should ever happen to know the Persons themselves whom they have wronged, they are bound in Conscience to pay it to them too; that being the only proper Restitution which is made to the Person that is wronged, and which all ought to make to the utmost of their Power.

And this brings me to the last Thing I promised to shew, even why they who have wronged others are bound to restore to them whatsoever they have wronged them of; or what Necessity there is of making such Restitution as I have now described. To understand this, we may consider first, that there is the same Obligation upon all Persons to restore what they have wronged others of, as there is not to wrong them; for they wrong them all the while until they have restored it again, by detaining from them the Use of what they wrong'd them of; so that he who by Stealth or Fraud, or any other unlawful Way, gets Five Pounds, suppose of another Man's, into his Hands, he doth not only sin in the first Act whereby he unlawfully got it, but he commits the same Sin all the while he keeps it; for so long as he hath it in his Hands he still wrongs his Neighbour as much as he did when he first got it; and therefore all those Laws of God which forbid you to steal or defraud others, oblige you to restore what you have defrauded or stolen from them, for till that be done ye live in the plain Breach and Violation of those Divine Laws; and whatsoever
Sin

Sin it was whereby ye got your Neighbours Goods at first, ye commit the same Sin every Day, until ye put him again into the actual Possession of them; which sufficiently demonstrates the absolute Necessity of Restoring, as soon as possible, whatsoever any of you have defrauded others of, lest otherwise ye both live and die in Sin.

Moreover, ye cannot but all acknowledge the Equity of that Golden Rule which our Lord hath set you, and commanded you to walk by it, saying, *All Things whatsoever ye would that Men should do to you, do ye even so to them*, Matt. 7. 12. According to which Restitution must needs be necessary; for as I believe there are but few of you but some time or other have been circumvented and wronged in your Estates, I dare say there is not a Man of you but would have Restitution made you of whatsoever hath been wrongfully taken from you: Now therefore lay you Hands upon your Breast, and do as ye would be done by; whatsoever ye have been wronged of by others ye would have restored to you, and therefore whatsoever ye have wronged others of do ye restore that to them, otherwise ye do not observe *Christ's* Command, as becometh Honest and Good Men to do.

And indeed Honest and Good Men in all Ages have made as much Conscience of this as of any one Duty whatsoever; when *Joseph* had privately conveyed his Brethrens Money into their Sacks, tho' they knew not how it came there, and so could have no Hand in it, yet their Father *Jacob* would needs restore it back again, saying, *Carry it again in your Hands, peradventure it was an Oversight*, Gen. 43. 12. Whence we may observe how scrupulous the good Old Man was of making Restitution, upon a mere Suspicion that it might be an Oversight; whereby he hath taught you all

26 *The Nature and Necessity of Restitution.*

to be so exact and just in Restoring what ye have of other Mens in your Hands, that although ye get it not by plain Fraud or Cheating, but only by some Oversight or Inadvertency either in them or yourselves, ye restore it to them again as soon as you can. *Samuel's Example* also is much to be observed in this Case, who having gathered all *Israel* together, said to them, *Behold here I am, witness against me before the Lord, and before his Anointed, whose Ox have I taken? Or whose Ass have I taken? Or whom have I defrauded? Or whom have I oppressed? Or of whose Hands have I received any Bribe to blind mine Eyes therewith? And I will restore it you,* 1 Sam. 12. 3. He knew not that he had wronged any Man; but if any Man knew he had he was ready to make him Restitution: So ye, although ye cannot remember that ye ever got any Thing from any Man by any unlawful Means, yet if others can remember and prove it, ye ought immediately to restore it to the right Owner.

To the right Owner, I say, for so certainly he is, by what unlawful Way soever ye came by it; it is not yours, but his from whom ye got it; it is as much his now it is in your Hands as when it was in his own; for Injustice can never deprive a Man of his Right to what he hath justly gotten, for that is still in him, wheresoever the Thing itself lyes, whether in his Hands or yours; and therefore if ye have unjustly got it from him, ye are bound to restore it to him again, by the same Laws which oblige you to pay every one their own; and until ye do that ye are his Debtors, and ought to take as much Care to pay him, as ye do to pay any Bond or Bill that you ever signed.

But that which should most of all excite and prevail with you to restore whatsoever ye have either got or kept unjustly from other Men, is
because

because till this be done your Sin can never be pardoned; for it is plain, there can be no Pardon without true Repentance; and it is as plain, that there can be no true Repentance without Restitution; for no Man can be said to be truly Penitent for any Sin that still continues in it; but as I observed before, he that sinned in getting his Neighbours Goods, still continues in the same Sin until he hath restored them to him; for he wrongs him as much by unlawful keeping, as he did by unlawful getting, of them; and therefore it is in vain to pretend that you are sorry for the Sin, until you restore what you got by it; as St. Augustine observes, *Si enim res aliena propter quam peccatum est, eam reddi possit, non redditur, non agitur penitentis, sed fingitur.* "If another Man's Goods, for which the Sin was committed, be not restored, when they may, Repentance is not acted, but feigned. And therefore he adds, *Si autem veraciter agitur, non remittetur peccatum, nisi restituatur ablatum.* "But if Repentance be truly acted, the Sin will not be forgiven, except what was taken away be restored, *August. Epist. 54. ad Macedonium.* Hence in the Old Law, when any one had robbed, or deceived, or defrauded his Neighbour, as ever he desired to have his Sin pardoned, he was first to restore what he had taken from him, with a fifth part more; when what was done, he was to carry a Ram for his Trespass-Offering to the Priest, who with that made an Atonement for him, and then his Sin was forgiven, *Lev. 6. 2, 3, &c.* So that until he had made Restitution the Priest could not accept of his Offering, nor make an Atonement for him, and so till then his Sin could not be pardoned: To this our Lord seems to allude, *Matt. 5. 23, 24.* And it is very observable, that Almighty God himself, by the Prophet *Ezekiel*, promiseth to pardon

such Sins only upon these Terms, *If the Wicked, saith he, restore the Pledge, and give again that he hath robbed, and walk in the Statutes of Life, without committing Iniquity, he shall surely live, he shall not die;* Ezek. 33. 15. But we need not have gone any further than my Text itself to have proved this; for here we find that upon *Zaccheus's* making Restitution our Lord presently said, *This Day is Salvation come into this House;* whereby he hath given us to understand that till that Time the Man had been in a State of Sin and Damnation, but now that he had restored whatsoever he had wronged others of, his Sin was pardoned, and his Soul should be saved.

These Things I thought good to put you in mind of at this Time, because, as I fear, many among you have, by Lying, or Stealing, or Cheating, or some unlawful Way or other, got other Mens Money or Goods into your Hands; so I hope there are none of you but are now sorry for it, and heartily desire Almighty God to pardon it; but that I am sure he will never do, until you have restored, if ye be able, what ye have so gotten; it is in vain for you to expect it, he hath in effect told you that he will not; and how can ye expect that he should break his Word for you? No, mistake not yourselves; so long as you are so unjust to others, as not to restore what ye have wrongfully taken from them, ye have no ground to hope that God will be so merciful to you as to pardon the Sins that ye have committed against him; but rather, till that be done, ye must look for nothing but Wrath and Indignation from him, and all the Curses that he hath denounced against Impenitent Sinners; he will curse what ye have got lawfully, for the sake of that which ye have unlawfully gotten; it will be a Moth in your Estates, which will certainly eat them

them up, either in your own or your Childrens Time, *Jer. 17. 11.* And it would be well for you if that was all; for if ye live any longer without making Restitution, ye may die also without doing it, and by Consequence bewail your Folly and Mad-ness in Hell-Fire for evermore.

Let me therefore beseech and advise you all to go Home and retire into your Closet, or some private Place, and there look back upon your Lives, recollect yourselves, and consider seriously whether ye have not injured some Person or other, by getting some part of their Estates into your Hands; and if upon an Impartial View you find ye have, let not the Sun go down before ye have at least resolved to make Restitution as soon as possible; and likewise to express your Repentance for defrauding others, by a more than ordinary Liberality to the Poor; do this, and then you may firmly believe that God, for *Christ's* Sake, will pardon your Sin, and receive you again into his Grace and Favour; for then ye will do this Day, as *Zaccheus* once did; and then *Christ* will say to every one of you, as he did to him, *This Day is Salvation come into this House:* Which God grant it may, through the same *Jesus Christ*, to whom be Glory for ever. *Amen.*

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